

## January Communications

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February 3, 2003

Federal Communications Commission  
Commission Secretary, Ms. Marlene H. Dortch  
445 12th Street SW  
CY-B402  
Washington, D.C. 20554

Reference: FCC 03-10  
Subject: Comments on SBC Nevada 271 Application

Dear Commissioners and Secretary Dortch:

I originally became part of the telecommunications industry in 1994 when I purchased the paging and signaling business for the local area from a company called ARC Systems. As you can imagine I was excited to be a part of the growing telecommunications industry. I had no idea what I was up against when I pursued this endeavor.

Soon after I began operations, Congress passed the Tel-Com Act of 1996 opening the doors to competition. Though we would have never been a major contender to the mainstream market, we found our niche by providing specialized and unique services that the major players would not address. We continued down this path by and developing newer and more enhanced features to our network that our competitors didn't have or just didn't want to pursue. Our customers, however, liked our products and we actually did more business through word of mouth than any other source.

Despite Congress' intention in the 1996 Tel-Com Act, we began experiencing many problems with Nevada Bell (SBC). I went to a hearing of the Public Utilities Commission of Nevada concerning increasing the costs of the DIDs necessary to my business. I testified that the increase of nearly 1500% flies in the face of the Tel-Com Act that was intended to end this kind of abuse by the LEC. Though my efforts forestalled the passing of the increase, early in 1997 the increase was passed raising the cost of doing business to a point that in February of 1997 I had to close my doors due to the threats from Nevada Bell (SBC) to terminate our service.

The collective companies filed complaints to the FCC on October 23, 1997 to Susan Fox who was to head up compliance to the Tel-Com Act and FCC Orders. Susan Fox called me and told me that she was going to do everything she could to force the LEC into supplying our interconnect in accordance with the law and to fully investigate the frauds

perpetrated upon our companies. To date there has been no decision from the FCC concerning our complaints or any word again from Susan Fox.

On August 16<sup>th</sup> 2000 I brought a complaint before the Public Utilities Commission of Nevada (PUCN) protesting SBC's application for long distance flatly stating that the utility has not complied with the Tel-Com Act and subsequent Court cases lost by the utility. Several months passed with documents flying back and forth between the utility, us, and the PUCN. A meeting was set up in May of 2001. In that meeting members of the utility, their outside counsel, members of the PUCN, myself and the President of ARC Systems. During the course of that meeting, SBC's representatives claimed that they were going to win the case now known as TSR and that when they win all of the outstanding charges for the DIDs would be due. We told them that if they lose the case, they would be required under the law to provide the interconnect we had been requesting for so long, correct their billing, and refund the monies illegally taken. During the course of that meeting I asked their outside counsel if they could supply us with a copy of the stay that would allow them to continue in their current course of conduct. There was no stay and they lied to the PUCN in the process. As you know, SBC lost the case. To date SBC has refused to correct their actions, and furthermore they have refused to repay the monies taken illegally claiming that it would set a bad precedent if they were to return what they have converted.

Again, more complaints were sent off to the FCC, PUCN, the Justice Department, and others, ad nauseum, but to no avail. I believe the most outrageous document that has recently been uncovered in the FCC files online in an affidavit of Daniel O. Jacobsen of SBC signed on January 9<sup>th</sup> 2003 making the claim that SBC has complied with all of the laws and are entitled to the application for long distance. Quite frankly his affidavit is absolutely perjurious and knowingly false. The mountains of documents in this case speak for themselves and prove without question that SBC has violated the RICO Statutes, Fraud, and Conspiracy.

I appeal to you, the Commissioners, to reevaluate SBC's application and to conduct a full investigation into the unlawful practices of SBC has done everything in their power including fraud and conspiracy, to monopolize and squash the competition out of business as they have done with me and my associates in the telecommunications industry.

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Paul M. January